

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2106
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-654, Arizona Revised Statutes, is amended to
3 read:

6 A. Except as provided in subsection F of this section, every local
7 authority or agency of this state using a photo enforcement system shall
8 adopt standards and specifications that indicate to a person operating a
9 motor vehicle that a photo enforcement system is present and operational.

B. The standards and specifications adopted pursuant to subsection A of this section shall include ~~both of~~ the following:

2 1. At least two signs shall be placed in a location before a photo
3 enforcement system. One sign shall be in a location that is approximately
4 three hundred feet before the photo enforcement system. Placement of
5 additional signs shall be more than three hundred feet before a photo
6 enforcement system to provide reasonable notice to a person that a photo
7 enforcement system is present and operational.

8 2. SIGNS PLACED PURSUANT TO THIS SECTION SHALL CLEARLY STATE THE
9 POSTED SPEED LIMIT.

2. 3. Signs indicating a photo enforcement system shall be removed or covered when the photo enforcement system is no longer present or not operating.

23 4. THROUGH JULY 16, 2010, IN ADDITION TO THE REQUIREMENT OF PARAGRAPH
24 2, FOR A PHOTO ENFORCEMENT SYSTEM AUTHORIZED BY SECTION 41-1722:

(a) THE STANDARDS AND SPECIFICATIONS PRESCRIBED IN PARAGRAPHS 1 AND 2,
EXCEPT THAT AN ADDITIONAL SIGN SHALL BE LOCATED ONE THOUSAND THREE HUNDRED
TWENTY FEET BEFORE A PHOTO ENFORCEMENT SYSTEM.

(b) SIGNS STATING THE POSTED SPEED LIMIT AND A NOTICE THAT DRIVERS WILL NOT BE ISSUED CITATIONS OR NOTICES OF VIOLATION UNLESS THE DRIVERS ARE DRIVING AT LEAST ELEVEN MILES PER HOUR OVER THE POSTED SPEED LIMIT.

(c) A STANDARD SIZE SPEED LIMIT SIGN SHALL BE PLACED WITHIN SIX FEET OF EACH SIGN POSTED PURSUANT TO SUBDIVISION (a).

C. Signs erected by a local authority or agency of this state as prescribed in this section shall contain a yellow warning notice and correlate with and as far as possible conform to the system set forth in the most recent edition of the manual on uniform traffic control devices for streets and highways adopted by the director pursuant to section 28-641.

D. If the standards and specifications prescribed pursuant to this section are not in effect during the operation of a photo enforcement system, the court may dismiss any citation issued to a person who is identified by the use of the photo enforcement system.

E. During the time a vehicle containing photo enforcement equipment is being used to identify violators of this article and article 6 of this chapter, the rear of the vehicle shall be clearly marked to indicate that the vehicle is functioning as a photo enforcement vehicle. This subsection does not apply to a vehicle that does not contain a photo enforcement system and that is used by a law enforcement officer.

F. Subsection B of this section does not apply to a mobile photo enforcement vehicle during the time a mobile photo enforcement vehicle is deployed on streets with a posted speed limit of forty miles per hour or less.

Sec. 2. Title 28, chapter 3, article 6, Arizona Revised Statutes, is amended by adding section 28-711, to read:

28-711. Photo enforcement system: limitation on citation issuance; prohibited use

A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE OR A LOCAL AUTHORITY THAT HAS JURISDICTION OVER A PHOTO ENFORCEMENT SYSTEM, INCLUDING A STATE PHOTO ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO SECTION 41-1722, SHALL CAUSE THE PHOTO ENFORCEMENT SYSTEM TO ISSUE A COMPLAINT OR NOTICE OF VIOLATION FOR A

1 VIOLATION OF THIS ARTICLE ONLY IF A VEHICLE IS TRAVELING AT LEAST ELEVEN
2 MILES PER HOUR FASTER THAN THE POSTED SPEED LIMIT.

3 B. BEGINNING FROM AND AFTER JULY 16, 2010, ON A STATE HIGHWAY IN THIS
4 STATE, THIS STATE OR A LOCAL AUTHORITY SHALL NOT USE A PHOTO ENFORCEMENT
5 SYSTEM TO IDENTIFY VIOLATORS OF THIS ARTICLE.

6 Sec. 3. Title 28, chapter 3, Arizona Revised Statutes, is amended by
7 adding article 21, to read:

8 ARTICLE 21. PHOTO ENFORCEMENT SYSTEMS

9 28-1201. Definition of photo enforcement system

10 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PHOTO
11 ENFORCEMENT SYSTEM" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-601 AND
12 INCLUDES A STATE PHOTO ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO SECTION
13 41-1722.

14 28-1202. Prohibition within two hundred yards of speed limit
15 change

16 A PHOTO ENFORCEMENT SYSTEM SHALL NOT BE PLACED ON A STREET OR HIGHWAY
17 WITHIN TWO HUNDRED YARDS OF A POSTED SPEED LIMIT CHANGE.

18 28-1203. Streaming video; use

19 ANY STREAMING VIDEO THAT RESULTS FROM A PHOTO ENFORCEMENT SYSTEM MAY BE
20 USED ONLY FOR CRIMINAL INVESTIGATIONS AND CRIMINAL PROSECUTIONS.

21 Sec. 4. Section 28-1593, Arizona Revised Statutes, is amended to read:

22 28-1593. Service of uniform traffic complaint

23 A. A traffic complaint may be served by delivering a copy of the
24 uniform traffic complaint citation to the person charged with the violation
25 or by any means authorized by the rules of civil procedure. At the
26 discretion of the issuing authority, a complaint for a violation issued after
27 an investigation in conjunction with a traffic accident may be sent by
28 certified mail, return receipt requested and delivered to addressee only, to
29 the address provided by the person charged with the violation. Service of
30 the complaint is complete on filing the receipt in the court having
31 jurisdiction of the violation.

1 B. The original complaint shall be filed in a court having
2 jurisdiction of the violation within ten court days of the time the complaint
3 was issued. A peace officer, or duly authorized agent or someone paid to act
4 on behalf of a traffic enforcement agency, may issue the traffic complaint.

5 C. ~~Notwithstanding subsection B of this section, a civil traffic
6 violation issued pursuant to section 41-1722 may be issued pursuant to a
7 notice of violation before a citation is filed in court.~~

8 D. ~~If a person fails to respond to the notice of violation or contests
9 responsibility, a uniform traffic complaint citation shall be served and
10 filed as otherwise provided in this section.~~

11 E. ~~The supreme court shall establish rules governing the issuance,
12 service and processing of the notice of violation, including rules allowing a
13 person to admit responsibility before a citation is filed in court.~~

14 Sec. 5. Section 41-1722, Arizona Revised Statutes, is amended to read:

15 41-1722. State photo enforcement system; penalties; fund

16 A. Notwithstanding any other law AND EXCEPT AS PROVIDED IN SECTION
17 28-711, the department shall enter into a contract or contracts with a
18 private vendor or vendors pursuant to chapter 23 of this title to establish a
19 state photo enforcement system consisting of cameras placed throughout this
20 state as determined by the director to enforce the provisions of title 28,
21 chapter 3, articles 3 and 6 relating to vehicle traffic and speed. A
22 CITATION OR A NOTICE OF VIOLATION SHALL NOT BE ISSUED PURSUANT TO THIS
23 SUBSECTION FOR A VIOLATION OF TITLE 28, CHAPTER 3, ARTICLE 6 UNLESS THE
24 VIOLATOR IS DRIVING AT LEAST ELEVEN MILES PER HOUR OVER THE POSTED SPEED
25 LIMIT AND THE STANDARDS AND SPECIFICATIONS PRESCRIBED PURSUANT TO SECTION
26 28-654 ARE IN EFFECT DURING THE OPERATION OF THE PHOTO ENFORCEMENT SYSTEM.

27 B. Notwithstanding any other law, the civil penalty or fine for a
28 citation or a notice of violation issued pursuant to this section is one
29 hundred sixty-five dollars and is not subject to any surcharge except the
30 surcharge imposed by section 16-954. State photo enforcement citations shall
31 not be included in judicial productivity credit calculations ~~for fiscal year~~
32 ~~2008-2009~~ THROUGH JUNE 16, 2010.

1 C. The photo enforcement fund is established consisting of monies
2 received from citations or notices of violation issued pursuant to this
3 section. The director shall administer the fund. Monies in the fund are
4 subject to legislative appropriation and are appropriated to the department
5 for administrative and personnel costs of the state photo enforcement system,
6 EXCEPT THAT THIRTY-FIVE PER CENT OF THE MONIES IN THE FUND ARE APPROPRIATED
7 TO THE DEPARTMENT FOR THE DEPARTMENT'S CRIME LABORATORIES, TO FILL LAW
8 ENFORCEMENT OFFICER VACANCIES AND TO MAKE SALARIES OF DEPARTMENT LAW
9 ENFORCEMENT OFFICERS COMPARABLE TO THOSE OF OTHER LAW ENFORCEMENT AGENCIES.
10 Monies remaining in the fund in excess of two hundred fifty thousand dollars
11 at the end of each calendar quarter shall be deposited, pursuant to sections
12 35-146 and 35-147, in the state general fund.

13 D. Notwithstanding any other law, if a person is found responsible for
14 a civil traffic violation or a notice of violation pursuant to a citation
15 issued pursuant to this section, the department of transportation shall not
16 consider the violation for the purpose of determining whether the person's
17 driver license should be suspended or revoked. A court shall not transmit
18 abstracts of records of these violations to the department of transportation.

19 Sec. 6. Delayed repeal

20 Section 41-1722, Arizona Revised Statutes, is repealed from and after
21 July 16, 2010.

22 Sec. 7. Effective date

23 Section 28-1593, Arizona Revised Statutes, as amended by this act, is
24 effective from and after July 16, 2010."

25 Amend title to conform

JOHN KAVANAGH

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03/16/2009
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